

Message Text

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PAGE 01 TEHRAN 00545 191423Z

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ACTION NEA-09

INFO OCT-01 ISO-00 L-02 EB-07 SS-15 SP-02 OPR-01 RSC-01

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R 191304Z JAN 75

FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC 9856

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E.O. 11652: NA

TAGS: AFSP, USIRJC, PFOR, FGEN

SUBJ: US-IRAN JOINT COMMISSION: COUNTRY-FINANCED

TECHNICAL SERVICES AGREEMENT

REF: STATE 010052

1. FOR THE DEPARTMENT'S INFORMATION, ARTICLE IV OF FHWA-MINISTRY OF ROADS AGREEMENT PROVIDES FOR THE FOLLOWING:

" IN THE EVENT THAT COSTS OF APPROPRIATE QUARTERS ARE HIGHER THAN ALLOTMENTS AS PRESCRIBED BY APPLICABLE UNITED STATES STATUTES AND REGULATIONS, THE VRT AGREES THAT ADDITIONAL FUNDS MAY BE PAID FROM THE DOLLAR WORKING FUND TO PROVIDE FOR THE ACQUISITION OF APPROPRIATE QUARTERS."

2. THIS OBVIOUSLY COULD CAUSE INEQUITIES IN POST HOUSING STANDARDS AND UNFAIR COMPETITION IN THE OFFICIAL COMMUNITY. MISSION HAS NO PROBLEM IF AGREEMENTS PROVIDE FOR STANDARDIZATION OF SUPPORT FOR TECHNICAL SERVICES STAFFS ON RELATIVELY SAME BASIS AS REMAINDER OF U.S. MISSION ELEMENTS.

3. THE AGREEMENT FURTHER PROVIDES IN ARTICLE VIII THAT "... AND THE UNITED STATES CONTRACTORS AND EMPLOYEES OF SUCH CONTRACTORS PERFORMING SERVICES UNDER THIS AGREEMENT WILL BE ACCORDED THE LIMITED OFFICIAL USE

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PAGE 02 TEHRAN 00545 191423Z

PRIVILEGES AND IMMUNITIES OF THE TECHNICAL AND ADMINISTRATIVE

STAFF OF THE EMBASSY".

4. ALTHOUGH WE PRESUME THE LANGUAGE OF ARTICLE VIII QUOTED ABOVE IS NOT INTENDED TO ENCOMPASS THE THOUSANDS OF PRIVATE CONTRACTORS SATISFYING CONSTRUCTION, ADVISORY, TRAINING, OR OTHER SERVICES UNDER TECHNICAL SERVICES AGREEMENTS WHICH ARE NOW IN FORCE OR WHICH MAY BE IN FORCE IN THE FUTURE, WE WISH TO CALL ATTENTION TO THE FACT THAT THE LANGUAGE COULD BE LATER ON MISINTERPRETED. THIS MISSION IS IN NO WAY PREPARED TO PROVIDE PRIVILEGES I.E. COMMISSARY AND APO TO CONTRACTORS OR CONTRACTOR EMPLOYEES AND NONE SHOULD BE LED TO EXPECT SUCH SERVICES BY BILATERAL TECHNICAL ASSISTANCE AGREEMENTS DEVELOPED UNILATERALLY BETWEEN US AND IRANIAN GOVERNMENT AGENCIES.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COSTS, AGRICULTURAL PRODUCTION, COMMITTEES, INTERGOVERNMENTAL COOPERATION
Control Number: n/a
Copy: SINGLE
Draft Date: 19 JAN 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975TEHRAN00545
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750020-0807
From: TEHRAN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750139/aaaabiat.tel
Line Count: 76
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: STADIS
Reference: 75 STATE 010052
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 06 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 AUG 2003 by izenbei0>; APPROVED <25 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US-IRAN JOINT COMMISSION: COUNTRY-FINANCED TECHNICAL SERVICES AGREEMENT
TAGS: AFSP, EAGR, PFOR, US, IR, USIRJC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006